

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RALLY CONCEPTS, LLC

Plaintiff,

v.

**THE SPALDING GROUP, and
THE REPUBLICAN NATIONAL
COMMITTEE,**

Defendants.

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Civil Action No. 5:05-cv-00041

ORDER IN LIMINE

After considering Defendant The Republican National Committee's Motion in Limine and the response, the Court ORDERS Plaintiff, Rally Concepts, LLC, counsel for Plaintiff, and all witnesses called on behalf of Plaintiff to refrain from any mention or interrogation, directly or indirectly, including offering documentary evidence, about any of the following matters without first requesting and obtaining a ruling from the Court, outside the presence and hearing of all prospective jurors and jurors ultimately selected in this case, concerning any alleged theory of admissibility of the following:

Defendants' Motion in Limine No. 1:

Any reference to hearsay statements by Chip Forbes to Jerry Gossett.


_____ Granted

 _____ Denied

_____ Granted as modified to wit:


Defendants' Motion in Limine No. 2:

Any reference to hearsay statements made by Jerry Gossett's son.

_____ Granted
 _____ Denied
_____ Granted as modified to wit:


Defendants' Motion in Limine No. 3:

Any reference to hearsay statements made by a fellow country club member of Jerry Gossett regarding the source of a W'04 logo.

_____ Granted
 _____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 4:

Any hearsay statements by any non-party as to the source of the W'04 logo.

_____ Granted
 _____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 5:

Any reference to documents not disclosed in response to Defendants' discovery requests that requested such information.

_____ Granted

_____ Denied

_____ Granted as modified to wit:

Defendants' Motion in Limine No. 6:

Testimony or reference that Plaintiff or Jerry Gossett received "mailings" from the RNC containing the W'04 logo.

_____ Granted

 _____ Denied

_____ Granted as modified to wit:

Defendants' Motion in Limine No. 7:

Any expert opinion not disclosed in Plaintiff's expert witness disclosures, or reports of Plaintiff's timely designated expert witnesses.

 _____ Granted

_____ Denied

_____ Granted as modified to wit:

Defendants' Motion in Limine No. 8:

Testimony or reference about the amount of money raised by the RNC, or campaign contributions received, generally or during certain election cycles unless it relates specifically to use of the W'04 logo.

_____ Granted

_____ Denied

_____ Granted as modified to wit:

Defendants' Motion in Limine No. 9:

Testimony or references regarding contracts or work that Thomas Graphics, Inc., Robert Thomas, RSD, or Robert C. Richberg, Jr. have done for Tom DeLay or TRMPAC.



Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 10:

Testimony or reference to any criminal proceedings against Tom Delay or TRMPAC.



Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 11:

Calculations of damages not previously disclosed in answers to interrogatories or in pretrial disclosures.




Granted

Denied

Granted as modified to wit:


Defendants' Motion in Limine No. 12:

Any opinion by an expert witness that is not supported by admissible facts.

_____ Granted
 _____ Denied
_____ Granted as modified to wit:


Defendants' Motion in Limine No. 13

Any evidence, statement or argument supporting an issue not contained in the final pretrial order.

 _____ Granted
_____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 14:

Any argument, statement, evidence, or inference regarding witnesses who are absent or unavailable to testify.

 _____ Granted
_____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 15:

Any attempt to elicit testimony from defendant about communications with any of its lawyers.

 _____

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 16:

Any motions in limine submitted by Defendants that are overruled or denied by this Court.

 _____

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 17:

Any pretrial rulings by this Court, including, but not limited to this Court's order granting or denying motions for summary judgment.

 _____


Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 18:

Any reference to the political affiliation, political contributions or political activities of counsel for Defendants.

 _____ Granted
_____ Denied
_____ Granted as modified to wit:


Defendants' Motion in Limine No. 19:

Any reference by counsel, witnesses or opinions of experts that the RNC has failed to produce documents if such alleged failure has not been the subject of a motion to compel.

_____ Granted
_____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 20:

Any reference by counsel, witnesses or experts that the RNC has the burden of proof on issues requiring proof by Plaintiff.

 _____ Granted
_____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 21:

Any reference to expenses without documentary proof which is the best evidence of such expense.

_____ Granted
_____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 22:

Reference to any "revenue" figures or campaign contributions taken from
Internet documents which have not been authenticated.


_____ Granted
_____ Denied
_____ Granted as modified to wit:

Defendants' Motion in Limine No. 23:

Reference to any "revenue" figures or campaign contributions made to the
"Republican Party" as opposed to the Republican National Committee.

_____ Granted
_____ Denied
_____ Granted as modified to wit:

SIGNED this 6th day of November, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE